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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

MANUEL VILLA,

Defendant and Appellant.

H034355

(Monterey County

Super. Ct. No. SS060440)

Defendant Manuel Villa appeals from a judgment of conviction entered after a jury found him guilty of possession of a deadly weapon by a prisoner (Pen. Code, § 4502, subd. (a)). In a bifurcated proceeding, defendant admitted that he had suffered three prior strike convictions. The trial court sentenced defendant to 25 years to life in state prison. On appeal, defendant requests that this court review the trial court's finding that nothing in the personnel records of two correctional officers was discoverable. The People agree that defendant is entitled to the review he has requested. We have found no error and affirm the judgment.

**I. Statement of Facts**

At approximately 9:28 a.m. on May 25, 2006, Sergeant Paul Sullivan and other staff began releasing inmates from two buildings into the exercise yard at Salinas Valley State Prison. Sergeant Sullivan saw defendant and another inmate, Velez, attack two

other inmates, Rodriguez and Gallegos. Defendant and Velez were Northerner gang members, and Rodriguez and Gallegos were Fresno Bulldog gang members. The four men fought with clenched fists.

Sergeant Sullivan ordered the men to get down into a prone position, but they failed to comply. He then saw something drop from defendant's hand. Since Sergeant Sullivan was spraying the inmates with pepper spray, he was unable to immediately retrieve the object. As Velez and Gallegos were moving to a prone position, Sergeant Sullivan saw Velez throw an object.

After the four inmates were handcuffed, Sergeant Sullivan retrieved the objects. The object dropped by defendant was a six-inch knife made of melted plastic with a sharpened point. In Sergeant Sullivan's opinion, the knife that defendant dropped could be used as a stabbing instrument capable of inflicting great bodily injury or death. There were no useable fingerprints on defendant's knife.

After the incident, Sergeant Sullivan asked Officer Matthew Zornes to clarify his report of the fight. Officer Zornes reported that four Fresno Bulldogs attacked two Northerners. After speaking with Officer Zornes, it was Sergeant Sullivan's impression that Officer Zornes had observed a different group of inmates fighting. Officer Zornes explained that he was mistaken about the gang affiliation of the group which attacked the other group.

## **II. Discussion**

A trial court's ruling on a motion for access to law enforcement personnel records is reviewed under the abuse of discretion standard. (*People v. Hughes* (2002) 27 Cal.4th 287, 330.) We have reviewed the transcripts of the in camera hearings on defendant's motion to disclose the personnel records of Sergeant Sullivan and Officer Zornes. The transcripts reveal that the trial court heard testimony from the custodian of records who had reviewed the contents of the personnel files. The trial court determined that none of

the information in the files was disclosable. The files did not contain any complaints about the veracity and dishonesty of either Sergeant Sullivan or Officer Zornes. Therefore, we conclude that the trial court did not abuse its discretion in refusing to disclose any contents of these records.

### **III. Disposition**

The judgment is affirmed.

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Mihara, J.

WE CONCUR:

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Bamattre-Manoukian, Acting P. J.

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Duffy, J.